U.S. Department
of Transportation

Pipeline and Hazardous Materials Safety Administration

Office of
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Hazardous Materials Safety
Law Division

LETTER OF INTERPRETATION

February 26, 2014

Mr. Paul W. Rankin, President
Reusable Industrial Packaging Association
51 Monroe Street, Suite 812
Rockville, MD 20850

Reference No.: 12-0056R and CHI-13-001R

Dear Mr. Rankin:

On May 16, 2012 and August 16, 2013, PHMSA issued Interpretations No. 12-0056 and CHI-13-001, respectively. At the request of the Reusable Industrial Packaging Association, a review of those letters and the relevant requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), PHMSA hereby rescinds both letters and issues the following Interpretation with respect to the matters discussed in those letters.

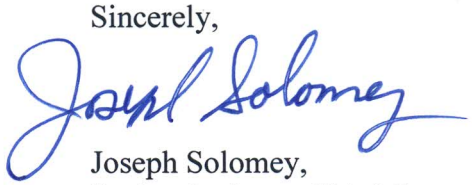
In accordance with § 180.350(b), the replacement of the rigid inner receptacle of a composite IBC with one from the original manufacturer is considered a repair. As stated in § 180.352(d)(1), repaired IBCs may be returned to service provided: (i) The repaired IBC conforms to the original design type, is capable of withstanding the applicable design qualification tests, and is retested and inspected in accordance with the applicable requirements of this section; (ii) an IBC intended to contain liquids or solids that are loaded or discharged under pressure is subjected to a leakproofness test as specified in § 178.813 of this subchapter and is marked with the date of the test; (iii) the IBC is subjected to the internal and external inspection requirements as specified in § 180.352(b); (iv) the person performing the tests and inspections *after the repair* [emphasis added] must durably mark the IBC near the manufacturer's UN design type marking to show the country in which the tests and inspections were performed, the name or authorized symbol of the person performing the tests and inspections, and the date (month, year) of the tests and inspections; and (v) retests and

inspections performed in accordance with paragraphs (d)(1)(i) and (ii) of this section may be used to satisfy the requirements for the 2.5 and five year periodic tests and inspections required by paragraph § 180.352(b).

Additionally, in accordance with 180.352(g)(1), the owner or lessee of the IBC must keep records of periodic retests, initial and periodic inspections, and tests performed on the IBC if it has been repaired and manufactured. As stated in 180.352(g)(2), those records must include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, names or name of any person conducting the test or inspections, and test, inspection specifics and results. In accordance with 180.352(g)(3), those records must be kept for each packaging at each location where periodic tests are conducted, until such tests are successfully performed again or for at least 2.5 years from the date of the last test. These records must be available for inspection by a representative of the Department of Transportation upon request.

In summary, as noted above, a person replacing the rigid inner receptacle of a composite IBC with one from the original manufacturer must then fulfill all of the HMR requirements associated with the repair of the IBC, including tests, inspections, record-keeping, and marking.

Sincerely,



Joseph Solomey,
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Hazardous Materials Safety